

Application No. 10/769,821

Docket No. 740756-2705

Page 6 of 8

REMARKS

Applicant requests reconsideration of this application in view of the following remarks and accompanying amendments. Claims 1, 2, 4-9, and 12 were pending. Applicant amends claims 1, 2, 4, and 5 herein. As a result, claims 1, 2, 4-9 and 12 remain pending in the instant application.

Claims 1, 2, 4, and 5 stand objected to as containing informalities. Specifically, claims 1 and 4 stand objected to for reciting "the set of electrodes line". Likewise, claims 2 and 5 stand objected to for reciting "the plurality of sets of electrodes line". Applicant amends these claims herein to remove the objected to word "line" in accordance with the Examiner's suggestion. These amendments are formal in nature to remove an excess word and add no new matter. Applicant respectfully requests withdrawal of the objection to these claims.

Claims 1, 2, 4-9, and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claims 1, 2, 4, and 5 stand rejected as providing insufficient antecedent basis for the limitation "the other electrode". Applicant respectfully traverses this objection. Still, in the interest of advancing the present application to issue, Applicant amends these claims herein to recite "an [[the]] other electrode" to provide sufficient antecedent basis. Additionally, claims 1, 2, 4, and 5 stand rejected as having a grammatically incorrect and vague limitation of "being toward". Applicant amends these claims herein to recite "being pointed toward" to clarify the scope of these claims. These amendments are formal in nature and add no new matter. In view of these amendments, Applicant respectfully requests reconsideration and removal of the rejection of independent claims 1, 2, 4, and 5, and claims 6-9 and 12 depending therefrom, under 35 U.S.C. § 112, second paragraph.

Claims 1, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa (U.S. 6,051,150) in view of Kurihara et al. (U.S. 5,368,897) and Babayan et al. (U.S. 2002/0129902). Additionally, claims 2, 5, 7-8, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa in view of Kurihara and Babayan as applied to claims 1 and 4, and further in view of Inoue (JP 07-024579). Further, claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa in view of Kurihara

Application No. 10/769,821

Docket No. 740756-2705

Page 7 of 8

these rejections, Applicant amends independent claims 1, 2, 4, and 5 to recite additional features not taught or suggested by the cited prior art references, both alone and in combination.

For example, the cited prior art references, alone and in combination, fail to suggest the feature,

after switching the first reactive gas to a second reactive gas, ashing the resist mask by partially blowing the second reactive gas in the plasma treatment chamber at the pressure of 5 to 800 Torr;

recited in claims 1, 2, 4, and 5. Support for this additional feature may be found throughout Applicant's specification as filed, for example in paragraphs [0079] and [0080] of Applicant's published application. This amendment adds no new matter. A careful review reveals that the cited prior art references fail to teach or fairly suggest this additional claim feature.

Applicant respectfully submits that because the cited prior art references, taken alone or in combination, fail to fairly suggest the features recited in independent claims 1, 2, 4, and 5, only with the benefit of hindsight knowledge gleaned from Applicant's own disclosure would a person of ordinary skill in the art be able to arrive at Applicant's claimed invention. For at least this reason, Applicant respectfully requests reconsideration and removal of the rejection of independent claims 1, 2, 4, and 5, and claims 6-9 and 12 depending therefrom, under 35 U.S.C. § 103(a).

Claims 1, 4, and 6 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of Yamazaki (U.S. 7,189,654) in view of Kurihara and Babayan. Additionally, claims 2, 5, 7-8, and 12 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of Yamazaki in view of Kurihara and Babayan as applied to claims 1 and 4, and further in view of Inoue. Further, claim 9 stands rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of Yamazaki in view of Kurihara and Babayan as applied to claims 1 and 4, and further in view of Seki. Without conceding the propriety of this rejection, Applicant respectfully submits the above recited amendment to claims 1, 2, 4, and 5 obviates the nonstatutory obviousness-type double patenting rejection of these claims over

Application No. 10/769,821
Docket No. 740756-2705
Page 8 of 8

or in combination. Specifically, Yamazaki and the cited prior art references all fail to disclose at least the features,

after switching the first reactive gas to a second reactive gas, ashing the resist mask by partially blowing the second reactive gas in the plasma treatment chamber at the pressure of 5 to 800 Torr;

recited in independent claims 1, 2, 4, and 5.

M.P.E.P. § 804(II)(B)(1) explains that the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for a 35 U.S.C. § 103 rejection. Claims 5, 10, 15, 19, and 23 of Yamazaki fail to teach or suggest the features recited in Applicant's independent claims 1, 2, 4, and 5 and the cited prior art references, alone and in combination, fail to cure the deficiencies of Yamazaki. Applicant respectfully requests reconsideration and removal of the rejection of independent claims 1, 2, 4, and 5, and claims 6-9 and 12 depending therefrom, on the ground of nonstatutory obviousness-type double patenting.

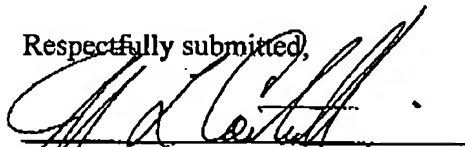
Applicant also amends claims herein to clarify aspects of the claimed invention. Specifically, Applicant amends claims 1 and 2 to recite the features,

partially forming a conductor film over a substrate;
forming a resist mask by use of liquid droplet jetting means,
over the conductor film;

Support for this amendment may be found throughout Applicant's application as filed. This amendment adds no new matter.

In view of the foregoing, Applicant submits that the present application is in condition for allowance and notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, Applicant invites Examiner to contact the undersigned attorney/agent to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483
Attorney for Applicant

NIXON PEABODY LLP
CUSTOMER NO.: 22204
Suite 900, 401 9th Street, N.W.